

REMARKS

Claims 1-16 are all the claims pending in the application.

Claim Rejections under 35 U.S.C. § 112

Claims 1-16 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. More specifically, the Examiner states:

Line 5 of claim 1 recites “wherein the mineral filler does not comprise feldspar” which was not discussed in the originally filed description and claims. Further, the originally filed description and claims never discuss feldspar and therefore do not provide any reason for or benefit gained from excluding only feldspar from the mineral filler.

(Office Action at page 2.)

While the specification does not explicitly state that the mineral filler does not comprise feldspar, numerous examples can be found in the specification where the mineral filler comprises a combination of materials that amount to 100% of the composition of the mineral filler. (*See for example*, page 2, lines 20-27.) As such, in these particular embodiments, it would be impossible for the mineral filler to comprise any feldspar.

Additionally, von Rybinski et al. (US 4,714,544, cited by the Examiner at page 3 of the Office Action dated February 26, 2009) discloses that kaolin is kaolinite + quartz + feldspar. The current application states that a preferable mineral filler is sillitin, which is disclosed as containing only 80% kaolinite and 20% quartz. (*See present application*, table at page 4, line 10.) Furthermore, the current application conducts a side-by-side analysis of kaolin (kaolinite + quartz + feldspar) with sillitin (kaolinite + quartz), and reaches the conclusion that sillitin has several exemplary advantages over kaolin. (*See page 4, line 15 to page 5, line 4.*) As such, this discloses that the sillitin does not contain any feldspar.

In view of the above, there is adequate support, in the specification of the present application to disclose that the mineral filler does not contain any feldspar.

Art Rejections

1. *Claims 1-5 and 15 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U. S. Patent No. 5,565,275 to Schmidt et al (Schmidt).*

2. *Claims 1, 8-12, 15 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 0 969 069 to Thomas et al (Thomas) in view of Schmidt.*

3. *Claims 6-7 and 13-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmidt in view of U. S. Patent 6,306,514 to Weikel et al (Weikel).*

Claim Rejections under 35 U.S.C. § 102

1. *Claims 1-5 and 15 in view of Schmidt et al.*

Regarding independent claims 1 and 15, Schmidt does not disclose at least “A valve seal intended for a fluid product aerosol dispenser” or “A valve seal for an aerosol dispenser,” respectively.

Although Schmidt lists the term “seals” as a possible use for the composite articles described therein (*see* Schmidt, col. 8, line 22), these composite articles are not suitable for use as a valve seal. The composite articles in Schmidt have a rigid component (thermoplastic polyester) vulcanized with a flexible component. (*See* Schmidt, col. 1, lines 10-12; col. 6, lines 53-55.) The rigid component is not suitable in valve seals, in particular in the dynamic valve seals against which the valve stem is sealingly sliding in a valve seal.

Additionally, Schmidt lists that the composite articles can be used as “pump housing and valves.” (*See* Schmidt, col. 8, line 25.) This, however, only mentions pump housings and valves (*see* Schmidt, col. 8, line 25), which are the rigid parts of such devices, and not the valve seals. Accordingly, one of ordinary skill would not consider Schmidt for improving valve seals.

Claims 2-5 are allowable at least by virtue of their dependency from independent claim 1.

Claim Rejections under 35 U.S.C. § 103

2. Claims 1, 8-12, 15 and 16 over Thomas in view of Schmidt.

Regarding independent claims 1 and 15, one of ordinary skill in the art would not have considered Schmidt to modify the valve seals disclosed in Thomas. It would not have been obvious to modify Thomas in view of Schmidt to produce the recited “valve seal intended for a fluid product aerosol dispenser” or “valve seal for an aerosol dispenser,” respectively.

One having ordinary skill in the art, considering the valve seals disclosed in Thomas would not have had any logical reason or motivation to replace the valve seals in Thomas, which contain kaolin (which contains feldspar) with Sillitin. Nothing in Schmidt indicates that the composite articles, comprising a rigid component, would be suitable for use as a valve seal. Furthermore, there is nothing in Schmidt that indicates separating the rigid component of the composite article from the flexible component.

The question is not if Sillitin was known at the time of the invention, but rather, if one of ordinary skill in the art of valve seals for fluid product dispensers, trying to improve the valve seals in Thomas, would have had any reason to replace the seal containing kaolin in Thomas with Sillitin.

Neither Thomas, Schmidt, nor any other cited reference, provide any logical reasoning or motivation to replace the valve seals containing kaolin in Thomas with the composite articles of Schmidt. Neither Thomas nor Schmidt provide any indication that the valve seals in Thomas are deficient or lacking in any respect or that the composite article disclosed in Schmidt would be suitable for use as a valve seal. In particular, none of the references provide any indication that

Sillitin would provide specific advantageous properties of valve seals when used in aerosol devices containing HFA propellants.

As such, it would not have been obvious to produce all of the features recited in independent claims 1 and 15.

Claims 8-12 and 16 are allowable at least by virtue of their respective dependencies from independent claims 1 or 15.

3. Claims 6-7 and 13-14 over Schmidt in view of Weikel.

Claims 6-7 are allowable at least by virtue of their dependency from independent claim 1.

Regarding independent claim 13, the Examiner states that “the process as disclosed by the applicant is inherent in the structure of Schmidt as modified by Weikel (see rejections of claims 1 and 6-7 above.)” (Office Action, page 5.)

There would have been no reason to combine Schmidt with Weikel. As noted above, the composite article in Schmidt is not suitable for use as a valve seal and one of ordinary skill in the art of the subject matter of the present application would not have considered Schmidt. Furthermore, Weikel discloses treating “elastomeric flexible articles (e.g., film articles), particularly powder-free medical gloves, that exhibit enhanced lubricity (“slip”) with respect to both dry and damp surfaces, particularly skin or other tissue of the wearer.” (*See* Weikel, col. 1, lines 20-21.) Nothing in Weikel indicates that the articles disclosed therein are suitable for use as a valve seal. As such, one of ordinary skill would not have considered Weikel in producing a valve seal. Accordingly, one would not have combined Schmidt with Weikel.

Furthermore, even if one were to combine Schmidt with Weikel, this still would not produce all of the features recited in independent claim 13. Neither Schmidt nor Weikel disclose

at least, “[a] manufacturing process for a valve seal intended for a fluid product aerosol dispenser.”

As noted above, although Schmidt lists the term “seals” as a possible use for the composite articles described therein (*see* Schmidt, col. 8, line 22), these composite articles are not suitable for use as a valve seal. Furthermore, Weikel is directed towards treating surfaces of elastomeric flexible articles that contact a wearer’s skin. As such, neither reference discloses “a seal intended for a fluid product aerosol dispenser.”

In view of the above, independent claim 13 is neither anticipated nor rendered obvious by the cited art.

Claim 14 is allowable at least by virtue of its dependency from independent claim 13.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116
Application No.: 10/559,381

Attorney Docket No.: Q91866

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Raja N. Saliba
Registration No. 43,078

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: October 27, 2009